

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X **Docket#**
UNITED STATES OF AMERICA, : 20-cr-00263 (GRB)
: :
: :
- versus - : U.S. Courthouse
: Central Islip, New York
: :
ROBERT ADAMS, : :
: :
: August 7, 2020
Defendant : 9:40 a.m.
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TRANSCRIPT OF CRIMINAL CAUSE FOR ARRAIGNMENT
BEFORE THE HONORABLE STEVEN L. TISCIONE
UNITED STATES MAGISTRATE JUDGE

A P P E A R A N C E S:

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1 THE CLERK: Criminal Cause for Arraignment,
2 docket 20-mj-00314, *USA v. Adams*. The Honorable Steven
3 Tiscione presiding.

4 Can I please have the appearances of counsel
5 beginning with the government?

6 MR. GLEICH: Sorry, your Honor. I was on mute
7 there. Oren Gleich on behalf of the United States. Good
8 morning, your Honor.

9 THE COURT: Good morning.

10 MR. HOCHBAUM: Good morning, your Honor.
11 Charles Hochbaum for the defendant Robert Adams.

12 THE COURT: Good morning. Mr. Adams is on the
13 phone as well?

14 THE DEFENDANT: Good morning, your Honor. I'm
15 here. Sorry about that.

16 THE COURT: Good morning. That's okay.

17 Okay, Mr. Adams, you're here today because a
18 grand jury in this district has returned an indictment
19 against you charging you with one count of sexual
20 exploitation of a child, one count of distribution of
21 child pornography, and there are also criminal forfeiture
22 allegations. Have you seen a copy of the indictment?

23 THE DEFENDANT: I have been read the
24 indictment, your Honor.

25 THE COURT: Okay. Counsel, have you --

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1 MR. HOCHBAUM: That is correct, your Honor. I
2 have read it to --

3 THE COURT: You read it to him? All right.

4 MR. HOCHBAUM: Yes.

5 THE COURT: All right. Does your client waive
6 public reading of the indictment?

7 MR. HOCHBAUM: We do, your Honor.

8 THE COURT: All right. And is he prepared to
9 enter a plea at this time?

10 MR. HOCHBAUM: Yeah, we enter a plea of not
11 guilty.

12 THE COURT: Okay. Is there a status conference
13 date before the district judge?

14 MR. HOCHBAUM: Not that I'm aware of, Judge.

15 THE COURT: Okay.

16 MR. HOCHBAUM: But I had anticipated addressing
17 the detention issue today but after the video, I don't
18 want to do that. I've had a discussion with Mr. Gleich
19 about potentially setting it down for a detention hearing
20 next week in front of you.

21 THE COURT: Okay. We can do that the only
22 issue is getting time because the MDC only has a certain
23 number of spots.

24 MR. HOCHBAUM: Right.

25 THE COURT: Let me see. We'll probably have to

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1 wait. I'll let you coordinate that with my law clerk and
2 the government counsel once we're done with this hearing.
3 I'm fine doing it. It'll most likely have to be at 9
4 o'clock in the morning since those are probably the only
5 spots left at this point.

6 MR. HOCHBAUM: I'm available any time except
7 for Monday, so --

8 THE COURT: Okay. So maybe after this call you
9 can coordinate with my law clerk and government counsel
10 and figure out a date that we can do the bail hearing.

11 MR. HOCHBAUM: Very good, your Honor.

12 THE COURT: All right. Okay. So there's no
13 status conference date that you know of. Have you talked
14 to Judge Feuerstein's chambers to try to get a status
15 conference date, either government counsel or defense
16 counsel?

17 MR. GLEICH: I have, your Honor.

18 MR. HOCHBAUM: I haven't. Defense counsel has
19 not.

20 MR. GLEICH: I have, your Honor. I believe
21 that it is September 29th.

22 THE COURT: Okay.

23 MR. GLEICH: And that's at 10 a.m.

24 THE COURT: September 29th at 10 a.m.

25 MR. HOCHBAUM: Is that firm? Can you confirm

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1 that or should I just rely on it?

2 MR. GLEICH: Let me one more time just briefly
3 check, make sure I have the correct date.

4 MR. HOCHBAUM: And will that be in person or
5 virtual? Do you know?

6 MR. GLEICH: At this point I think it's up in
7 the air but --

8 MR. HOCHBAUM: All right. All right, we have
9 plenty of time to discuss that. That's not a problem.

10 MR. GLEICH: So my apologies, so it is -- I am
11 confirming that it is in fact September 29th at 10 a.m.
12 And it is set to be a telephone status conference at this
13 time.

14 MR. HOCHBAUM: Okay. Great.

15 MR. GLEICH: So that could change but as of now
16 it is set to be a telephone status conference.

17 MR. HOCHBAUM: Sounds fine.

18 THE COURT: All right.

19 MR. HOCHBAUM: I guess at this point we're
20 finished, Judge, and we'll just leave it up to your law
21 deputy to contact us about a date next week for the
22 detention hearing.

23 THE COURT: Yes, as long as -- like I said, it
24 most likely will end up having to be at 9 o'clock because
25 I think most of the other spots are probably gone at this

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1 point, but --

2 MR. HOCHBAUM: That's fine.

3 THE COURT: All right. For now, why don't you
4 reach out to Brenna and see what spots are available for
5 next week and schedule it with counsel?

6 MR. GLEICH: Yes, Judge.

7 THE COURT: Okay. Anything further from either
8 side?

9 MR. GLEICH: Just that --

10 MR. HOCHBAUM: No, not at this time, Judge.

11 MR. GLEICH: I assume that the time will be
12 waived until the first status?

13 MR. HOCHBAUM: That is correct.

14 THE COURT: All right. Mr. Adams, just so you
15 understand what they're talking about, ordinarily the
16 government would have 70 days to bring you to trial on
17 these charges. If the Court grants the application for
18 an order of excludable delay, the time period between
19 today's date and the date of the first status conference
20 would not count towards that 70-day period.

21 There is a standing order by the chief judge
22 that's been waiving speedy trial time anyway because of
23 the pandemic and the fact that we can't have jury trials
24 at this moment anyway. But I just want to make sure that
25 you understand what's at stake. Essentially it means

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1 that your trial would be delayed because that time
2 wouldn't count towards the 70-day period. Do you
3 understand that, Mr. Adams?

4 THE DEFENDANT: Yes, your Honor.

5 THE COURT: All right. Typically in these
6 cases, and I'm sure it's the same in this case, the
7 attorneys ask for that time so that they can exchange
8 discovery and engage in any plea discussions to try to
9 resolve your case without the need for trial. Is that
10 the case in this matter as well?

11 MR. HOCHBAUM: That is, your Honor, from the
12 defense counsel here.

13 THE COURT: Okay.

14 MR. GLEICH: Yes, your Honor.

15 THE COURT: All right. Do you understand that,
16 Mr. Adams?

17 THE DEFENDANT: Yes, your Honor.

18 THE COURT: All right. And are you willing to
19 give the counsel that extra time to do that?

20 THE DEFENDANT: Yes, your Honor.

21 THE COURT: All right. I find the interests of
22 justice are satisfied and I'll issue an order of
23 excludable delay between today's date and September 29th.
24 And I'll let my law clerk contact you and try to schedule
25 the detention hearing for next week. Okay?

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1 MR. HOCHBAUM: Thank you very much, Judge.

2 THE COURT: All right. Have a good day,
3 everyone.

4 MR. GLEICH: Thank you, your Honor.

5 MR. HOCHBAUM: Thank you. Mr. Adams Senior, I
6 will be contacting you by phone.

7 THE DEFENDANT: Mr. Hochbaum?

8 MR. ADAMS: Okay.

9 THE DEFENDANT: Mr. Hochbaum?

10 MR. HOCHBAUM: Yeah, I will set up a phone
11 call, Mr. Adams. All right?

12 THE DEFENDANT: The prison's on lockdown, so
13 I'm not going to be able to --

14 MR. HOCHBAUM: I know that.

15 THE DEFENDANT: Okay.

16 MR. HOCHBAUM: All right. Bye.

17 (Matter concluded)

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C E R T I F I C A T E

I, MARY GRECO, hereby certify that the foregoing transcript of the said proceedings is a true and accurate transcript from the electronic sound-recording of the proceedings reduced to typewriting in the above-entitled matter.

I FURTHER CERTIFY that I am not a relative or employee or attorney or counsel of any of the parties, nor a relative or employee of such attorney or counsel, or financially interested directly or indirectly in this action.

IN WITNESS WHEREOF, I hereunto set my hand this 7th day of July, 2023.



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